

Washington D C 20505

Media

10 June 1980

MEMORANDUM FOR: The Honorable Lloyd Cutler
Counsel to the President

Mr. David Aaron
Deputy Assistant to the President
for National Security Affairs

SUBJECT: Response to American Society of
Newspaper Editors (ASNE)

1. Following up on my discussions with each of you on the proposed response by the President to the ASNE, I would like to reiterate my strong opposition to elevating the decision as to whether to use a specific journalist for intelligence purposes to the Presidential level. There are four basic reasons for this.

a. The ASNE argument is flawed. There is neither a constitutional problem nor a practical issue of real import here. ASNE is simply trying to obtain a more privileged status for themselves than is warranted. The intelligence committees, including such liberals as Les Aspin, have confirmed that this is also their view. Acceding to this improper request for privilege will only invite more such pressures. Additionally, we should keep in mind that the ASNE itself is by no means united on this subject. We have evidence of members who are in stark opposition to the position the more liberal leaders of the organization are taking.


b. Change in our present procedures would slightly mollify but by no means satisfy ASNE. They clearly indicated in their meeting with you that this would not be a satisfactory resolution to them. It would, on the other hand, encourage them to further efforts such as the passage of legislation totally barring the use of journalists by the Intelligence Community.

c. The issue is certainly not worthy of adding to Presidential paperwork burdens. Even though the number of exceptions granted will likely be small, the workload would be unwarranted and, since the most likely use of journalists would be in emergencies such as terrorist situations, the workload may come under time urgent conditions.

*Typed in final at EOB
+ orig hand carried to Cutler,
1 cc to*

d. Most importantly of all, elevation of the authority to approve the use of journalists for intelligence purposes would undermine the efforts we have been making to keep the Congress from overmanaging the Intelligence Community. We have made a great deal of progress in getting them to accept the concept that they should enact relatively few restrictions into law but instead count on impacting on us through the oversight process. If decisions on the use of journalists are made by the President, the oversight process in this area will be meaningless to the Congress since they know that they would be unable to force the reversal of a Presidential decision either retroactively or as a precedent. On the other hand, if in their opinion the DCI has exceeded good judgment in authorizing the use of journalists, they can indeed have an impact.

2. I feel quite strongly on this. If a recommendation to elevate the decision process is to be made to the President, I request the opportunity to attach my views.



STANSFIELD TURNER